



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/289,957
Applicant : John S. HENDRICKS
Filed : April 13, 1999
Title : ELECTRONIC BOOK ALTERNATIVE DELIVERY SYSTEMS
TC/A.U. : 3621
Examiner : John M. Winter
Docket No. : 5267
Customer No. : 38598

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE TO SECOND RESTRICTION REQUIREMENT

Sir:

In response to the June 16, 2005 Second Restriction Requirement, Applicants hereby elect Group I, claims 1-58, and 224, with traverse.

In a June 30 2004 Restriction Requirement, the Examiner required an election according to one of the following four claim groups:

I. Claims 1 – 58 and 217 – 220, drawn to secure transactions including authentication, and classified in class 705, subclass 67.

II. Claims 59 – 92 drawn to electronic book viewing, and classified in class 705, subclass 1.

III. Claims 93 – 118 drawn to usage protection of data files, and classified in class 705, subclass 51.

IV. Claims 119 – 216, drawn to secure transactions and classified in class 705, subclass 64.

In response to the first Restriction Requirement, Applicants elected Group I. Subsequently, the Examiner issued an Office Action (dated November 4, 2004), and Applicants responded on March 4, 2005.

In the March 4, 2005 response, Applicants added new independent claims 221 – 224. New independent claims 221-224 incorporate allowable subject matter into independent form. Specifically, new independent claim 221 incorporates allowable subject matter from dependent claim 218 into independent claim 217, new independent claim 222 incorporates allowable subject matter from dependent claim 219 into independent claim 217, new independent claim 223 incorporates allowable subject matter from dependent claim 220 into independent claim 217 and new independent claim 224 incorporates allowable subject matter from dependent claim 47 into independent claim 1. Since these new independent claims merely rewrite subject matter from claims already elected by Applicants in response to the first Restriction Requirement, Applicants contend that claims 221 – 223 (in addition to claim 224), as well as claim 217, should remain grouped with claims 1 – 58.

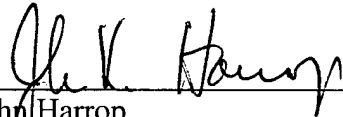
Furthermore, Applicants note that in the first Restriction Requirement, claims 1 – 58 and 217 – 220 were classified by the Examiner in class 705, subclass 67. In the second Restriction Requirement, claims 1 – 58 and 224 are classified by the Examiner in class 705, subclass 51, while claims 217 – 223 are classified in class 345, subclass 530. Since none of the original claims were amended, Applicants question why, in the second Restriction Requirement, the Examiner has grouped all the pending claims into new class/subclass combinations.

Applicants respectfully submit that the subject matter of all claims 1 – 58 and 217 - 224 is sufficiently related that a thorough search for the subject matter of any one group of claims would encompass a search for the subject matter of the remaining claims. Thus, Applicants respectfully submit that the search and examination of the entire application should be made

without serious burden. See M.P.E.P. §803, which states that “if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits” (emphasis added). Applicants respectfully submit that this policy should apply in the above-identified application in order to avoid unnecessary delay and expense to the Applicants and duplicative examination by the Patent Office.

Respectfully submitted,

Date: August 8, 2005



John Harrop
Reg. No. 41,817
ANDREWS KURTH LLP
1701 Pennsylvania Avenue
Suite 300
Washington, DC 20006
Voice: 202-662-2700
Fax: 202-662-2739